

COMMONWEALTH OF MASSACHUSETTS

DEPARTMENT OF CORRECTION

103 CMR 411

DEDUCTION FROM SENTENCE POLICY

TABLE OF CONTENTS

411.01	Purpose
411.02	Statutory Authorization
411.03	Cancellation
411.04	Applicability
411.05	Access to Regulation
411.06	Definitions
411.07	Eligibility of Inmates to Receive Deductions from Sentence
411.08	Programs and Activities
411.09	Deductions from Sentence
411.10	Procedures for Granting Deductions
411.11	Computation
411.12	Deductions for Inmates Confined in Facilities Other than State Correctional Facilities
411.13	Emergencies
411.14	Responsible Staff
411.15	Review Date
411.16	Severability Clause
411.17	Effective Date

411.01 Purpose

The granting of deductions from the sentence of an inmate can provide incentives for participation in programs or activities. 103 CMR 411.00 sets forth

standards under which an inmate may receive deductions from his/her sentence for satisfactory participation in an approved program or activity, and further sets forth procedures for the computation of these deductions.

411.02 **Statutory Authorization**

103 CMR 411 is issued pursuant to Massachusetts General Laws c.127, ss. 129, 129C and 129D and c. 124, ss. 1 (j) and (q).

411.03 **Cancellation**

103 CMR 411 cancels all previous Commissioner's and /or Associate Commissioner's bulletins or other departmental or institutional rules, policies, memoranda and regulations regarding the granting of deductions from sentence relating to the conduct, performance or completion of a program or activity by an inmate in accordance with M.G.L. c. 127, ss. 129C and 129D to the extent they are inconsistent with this policy.

411.04 **Applicability**

This policy is applicable to all state inmates in state correctional facilities, county correctional facilities, and correctional facilities operated by the federal government or other states where inmates committed to the custody of the department are confined. This policy may also be applicable to inmates committed to a county correctional facility but confined in a state correctional facility and to inmates, while still under sentence, committed to the Bridgewater State Hospital or a facility of the Department of Mental Health in accordance with M.G.L. c. 123, or the Treatment Center for Sexually Dangerous Person in accordance with M.G.L. c. 123A.

411.05 **Access to Regulation**

This regulation shall be maintained within the central policy file of the department and will be accessible to all department employees. A copy of this regulation

11/17/95

411-2

shall also be maintained in each superintendent's central policy file and at each inmate library.

411.06 **Definitions**

1. **Director, Offender Management and Placement** - The Executive Staff person whose duties include, but are not limited to the management of:
a.) Classification; b.) Programs; c.) Education; and d.) State Transportation.
2. **Commissioner** - the chief executive officer of the Department of Correction.
3. **Committing Institution** - the institution to which the inmate was originally committed, i.e., MCI-Cedar Junction at Walpole, MCI-Concord and MCI-Framingham.
4. **Criminal Offender Record Information** - records and data compiled by a criminal justice agency which concern an identifiable individual pursuant to M.G.L. c. 6, ss. 167-178B.
5. **Deduction** - a deduction from sentence.
6. **Deductions From Sentence Master Card** - card used to record inmate's work, education and program participation, earned through December, 1990.
7. **Deductions From Sentence Summary Sheet** - form used to record earned good time and subsequent adjustments in prospective release dates.
8. **Education program** - an academic program which is approved by the Director of Offender Management and Placement.
9. **Facility** - a state correctional facility, a county correctional facility, a correctional facility outside the Commonwealth, the Bridgewater State Hospital, the Department of Mental Health and the Treatment Center for Sexually Dangerous Person at which state inmates are incarcerated.

11/17/95

411-3

10. **Month** - a calendar month.
11. **Prison camp** - a camp designated by the commissioner pursuant to M.G.L. c. 127, ss. 83A or 83E, i.e., MCI-Plymouth.

12. **Prison industry** - a program established under M.G.L. c. 127, s.51.
13. **Satisfactory conduct** - the observance of all rules and regulations governing the behavior of an inmate.
14. **Unsatisfactory conduct** - non-observance of all rules and regulations governing the behavior of an inmate.
15. **Incomplete** - not completing all requirements, duties and responsibilities that attach to a program or activity.
16. **Satisfactory performance** - the fulfillment of all requirements, duties and responsibilities that attach to a program or activity.
17. **Superintendent** - the chief administrative officer of a correctional institution, a director of a contract facility or the administrator of a county correctional facility.
18. **Vocational training program** - a vocational program which is approved by the Director of Offender Management and Placement.

411.07 **Eligibility of Inmates to Receive Deductions from Sentence**

Each state inmate may receive a deduction from his sentence in accordance with this regulation unless the law under which an inmate is committed specifically prohibits the awarding of deductions. An inmate serving a life sentence may be granted such deductions except that such deductions shall not take effect upon the sentence computation unless the sentence is commuted or otherwise revised to a term of years.

Program and Activities

1. General Standards, Categories of Programs and Activities. The following are general standards and categories of programs and activities under these regulations.
 - (a) Satisfactory performance of an inmate in an approved work assignment.
 - (b) Satisfactory performance of an inmate in an approved educational or vocational program.
 - (c) Satisfactory performance of an inmate in any other program or activity which the superintendent of the state correctional facility shall deem valuable to the rehabilitation of the inmate, subject to the director's approval of such program.
2. Programs and Activities List: The director or his/her designee will prepare lists of programs which he/she has approved for earned good time deductions at each institution. The superintendent of each state correctional facility and county correctional facility or his/her designee shall subject to the approval of the Commissioner or his designee, post the list of approved programs for their institution. Except for inmates subject to the provisions of 103 CMR 411.12, an inmate may receive deductions from sentence only for his/her participation in those approved programs and activities specifically set forth on such lists. Lists shall be reviewed at least annually and may be revised and updated annually for submission to the commissioner or his designee, for review and approval.
3. No state inmate, whether confined in a state facility, county facility, federal facility or out-of state facility shall receive any deductions from sentence unless the director has approved the program or activity in which the inmate satisfactorily participated.

Deductions from Sentence1. M.G.L. c.127, s.129D (Earned Good Time)

(a) An inmate may receive a maximum of 7.5 days a month deduction from sentence for his/her satisfactory performance in an approved employment, educational or vocational training program or activity. Such deductions shall be granted in the following manner:

(1) Employment Programs: Deductions totaling not more than two and one-half (2.5) days a month may be granted to an inmate who is involved in one or more approved work program(s).

(2) Education and Vocation Training Programs: Deductions totaling not more than two and one-half (2.5) days a month may be granted to an inmate who is involved in one or more approved educational/vocational training program(s).

(3) Activities: Deductions totaling not more than two and one-half (2.5) days a month may be granted to an inmate who is involved in one or more approved activities.

(b) Any deductions from sentence earned pursuant to M.G.L. c.127, s. 129D, once granted, cannot be forfeited, once earned, for disciplinary infractions.

2. M.G.L. c.127 s.129C (Camp Time)

(a) For the satisfactory conduct of an inmate confined in a prison camp, the commissioner may grant a deduction from sentence of not more than two and one-half (2.5) days for

- in a prison camp.
- (b) Any deductions from sentence granted pursuant to M.G.L. c. 127, s 129C once granted, cannot be forfeited for disciplinary infractions or escape from a prison camp.

411.10 **Procedures for Granting Deductions**

Earned good time will be updated on all state inmates and state inmates housed in county facilities in accordance with the schedule outlined in this section.

1. Supervisors of programs, industrial instructors, or other personnel involved in supervising an inmate in an approved program or activity shall, at the end of each month, prepare a monthly program roster (Attachment I), listing all inmates who participated in that program or activity for that month, rating performance as either satisfactory or unsatisfactory or incomplete. Program rosters must be submitted to the record supervisor by the fifteenth (15th) day of the following month and entered onto the computer system and authorized by the end of that month. For earned time prior to December 1990, reference the Deduction From Sentence Master Card (Attachment II).
2. The Records Supervisor or other person, shall at least sixty days prior to the projected discharge date of the inmate submit to the superintendent or his/her designee a Deduction From Sentence (DFS) sheet (Attachment III), which shall list all outstanding deductions for programs and activities in which the inmate participated satisfactorily while confined. For purposes of 103 CMR 411.00 the projected discharge date shall be computed by determining either the maximum date of discharge with adjustments for for M.G.L. c. 127 s. 129C (camp time) and s. 129D (earned) deductions or the good conduct discharge date with adjustments for M.G.L. c. 127, s. 129 (statutory good time), c.

11/17/95

411-7

127, s. 129C (camp time), s. 129D (earned) deductions, and forfeitures under M.G.L. c. 127, s. 129.

3. An inmate may earn good time for the final month of his/her incarceration not to reduce the final discharge date below the fifteenth (15th) day of

the month of discharge, presuming that he/she will continue satisfactory participation in present activities and programs. These presumptive credits shall be included on the DFS sheet, noted as such. Although processed, these credits will only be applied to the inmate's sentence upon confirmation of satisfactory participation in the activity or program.

4. The Records Supervisor or another person at the time of the inmate's release on parole, shall process an additional DFS sheet which shall list outstanding deductions for programs and activities in which the inmate participated satisfactorily.
5. The Records Supervisor or other person shall process a Deduction From Sentence Sheet for each inmate annually, which shall list all outstanding deductions for programs and activities in which an inmate participated satisfactorily. A copy of the completed Deduction From Sentence sheet will be placed in the institutional folder and a copy placed in the central file. Additionally a Deduction From Sentence Summary Sheet will be provided to the inmate as soon as possible and the Institutional Parole Officer.
6. In the event that an inmate challenges any deductions from sentence as recorded on his/her Deduction From Sentence Sheet the inmate may submit a written request for reconsideration. The request for reconsideration must be submitted within ten working days from the date or receipt of the Deduction From Sentence Summary Sheet. Any

11/17/95

411-8

request for reconsideration must be submitted to the Record Supervisor at the institution where the Deduction From Sentence Sheet was prepared.

7. Notwithstanding the fact that an inmate serving a life sentence shall not be granted deductions from his sentence unless the sentence is commuted or otherwise revised to a term of years, 103 CMR 411.10.(1) through 411.10 (7) shall apply. Any deductions granted shall be kept in the inmates file and may only be credited if such sentence is commuted or otherwise revised to a term of years.

411.11**Computation**

1. Deductions from sentence granted under these regulations shall reduce the maximum sentence of the inmate and where the inmate is also serving a minimum sentence, such minimum sentence, unless prohibited by Massachusetts General Laws.
2. When deductions from sentence under these regulations result in an inmate being eligible for parole consideration in less time than that permitted by M.G.L. c. 127, s. 133, this forementioned statute shall apply instead of these regulations.
3. Deductions from sentence under M.G.L., c. 127, ss. 129, ss. 129C and 129D, once earned, shall not be forfeited.

411.12**Deductions for Inmates Confined in Facilities Other than State Correctional Facilities**

1. An inmate of a state correctional facility who has been transferred to a correctional facility operated by the federal government or another state, may be granted for deductions from sentence in accordance with these regulations. The procedures for granting deductions under 103 CMR 411.10 are applicable to these inmates.

2. When making recommendations for deductions from sentence under this section, the administrator shall be requested to complete a written program summary for submission to the county and interstate classification manager who will then request approval of that program or activity from the associate commissioner.
3. The County, Federal and Interstate Classification Manager or his/her designee shall request the administrator of the other correctional facility operated by the federal government or another state, to recommend to him/her, where such administrator deems appropriate, that a deduction of sentence be granted in accordance with 103 CMR 411.09 for the inmate's involvement in a program or activity under 103 CMR 411.08 (1) (a) through 411.08 (c)(Attachment IV). Such recommendations shall be requested in accordance with 103 CMR 411.10 (4) through (7).
4. The County, Federal and Interstate Classification Manager or designee shall record the number of sentence deductions of the inmate into the computer system.
5. Copies of these regulations shall be sent to the administrator of other facilities by the county and interstate classification manager.

411.13 **Emergencies**

Whenever in the opinion of the commissioner, deputy commissioner , or the superintendent of a state correctional institution, an emergency exists which requires suspension of all or part of these regulations, he may authorize such suspension provided that any such suspension over forty-eight (48) hours must be authorized by the commissioner.

411.14 **Responsible Staff**

1. The Director of Offender Management and Placement shall be responsible for implementing and monitoring this policy throughout the Department.
2. Each superintendent or his/her designee shall be responsible for the implementation of this policy and for the development of any and all necessary and appropriate institutional policies and procedures.

411.15 **Review Date**

This policy shall be reviewed at least annually from the effective date by the commissioner or his designee. The party or parties conducting the review shall develop a memorandum to the commissioner with a copy to the central policy file indicating that the review has been completed. Recommendations for revisions, additions or deletions shall be included.

411.16 **Severability Clause**

If an article, section, subsection, sentence, clause or phrase of these regulations is for any reason held to be unconstitutional, contrary to statute, in excess of the authority of the commissioner, or otherwise inoperative, such decision shall not affect the validity of any other article, section, subsection, sentence, clause or phrase of these regulations.

REGULATORY AUTHORITY
103 CMR 411.00: M.G.L. c 124 s 1(j) and (q): c. 127 s 129C and 129D

MASSACHUSETTS DEPARTMENT OF CORRECTION
MONTHLY PROGRAM/WORK/EDUCATION ROSTER

MONTH _____ YEAR _____ INSTITUTION _____

WORK PLACEMENT (specify) _____

EDUCATION (specify) _____

PROGRAM (specify) _____

NAME	COMM.#	PERFORMANCE RATING
1. _____	_____	_____
2. _____	_____	_____
3. _____	_____	_____
4. _____	_____	_____
5. _____	_____	_____
6. _____	_____	_____
7. _____	_____	_____
8. _____	_____	_____
9. _____	_____	_____
10. _____	_____	_____
11. _____	_____	_____
12. _____	_____	_____
13. _____	_____	_____
14. _____	_____	_____
15. _____	_____	_____

KEY TO PERFORMANCE RATING

S = Satisfactory
U = Unsatisfactory
I = Incomplete

Program/Work Supervisor
411-12

11/17/95

S.D.P. Clearance

DATE: _____

Needs

PREPARED BY: _____

Processing ☐Cleared ☐NA ☐**"DEDUCTIONS FROM SENTENCE" SUMMARY SHEET**

Inmate & No: _____

GOVERNING RELEASE DATES

Parole Minimum Maximum G.C.D.

—

Effective Date of Sentence: _____

Period Beginning: _____
DateEnding: _____
DateTotal Deductions Allowed in Computing Adjusted
Released Dates from Governing Release Dates:

Good Conduct _____ Camp _____

129D _____ Blood _____

Total Good Conduct Forfeitures: _____
(Not to be included in Computation)

Since Last Request-Dated _____

Camp: _____

Blood: _____

ADJUSTED RELEASE DATE

Includes Camp Time, Blood Time, 129 D Time
Parole Minimum Maximum G.C.D.

129 D (only)

Program/Activity	Inst. Of Participation	Dates of Participation	# Recommended Deductions
1.			
2.			
3.			
4.			
5.			
6.			

(CONTINUED ON OTHER SIDE)

TOTAL NUMBER OF DAYS RECOMMENDED _____

SUPERINTENDENT OR DESIGNEE _____ DATE

REVISED RELEASE DATES

Parole Minimum Maximum G.C.D.

TOTAL NUMBER OF DAYS GRANTED: _____

Plus Forfeiture:
11/17/95

COMMISSIONER _____ DATE

411-13

DEDUCTIONS FROM SENTENCE SUMMARY SHEET

Inmate's Name: _____
 Placement: _____
 Time Period Covered: _____

- I. List any work activities (i.e. janitorial positions, kitchen assignments, etc.)

<u>Months of Participation</u> (By month/date/year)	<u>Type of Activity</u> (Description)	<u>Hours Per Month</u>
_____	_____	_____
_____	_____	_____

- II. List any educational activities: (i.e attendance at institutional school, correspondence courses, etc.)

<u>Months of Participation</u> (By month/date/year)	<u>Type of Activity</u> (Description)	<u>Hours Per Month</u>
_____	_____	_____
_____	_____	_____

- III. Programs

<u>Months of Participation</u> (By month/date/year)	<u>Type of Activity</u> (Description)	<u>Hours Per Month</u>
_____	_____	_____
_____	_____	_____

- IV. Please asterisk any community-based programs.

- V. Recommendation

Kindly check the appropriate recommendation:

_____ I recommend that the inmate be awarded good time credits or

_____ I do not recommend the awarding of any good time credits.

Information submitted by:

<u>Name</u>	<u>Title</u>	<u>Date</u>
11/17/95		411-14